REMARKS

Claims 16-38 are pending and stand rejected.

Claims 16-38 have been deleted without prejudice or disclaimer of the subject matter recited therein. The claims have been amended for the purpose of claiming other matter described in the present application. None of the claims have not been cancelled or added as a result of any prior art or for any other reason related to patentability.

Claims 39-62 have been added.

The paragraph beginning on line 18, page 50 has been amended. No new matter has been added.

Claim Rejections - 35 U.S.C. § 112, second paragraph

Claims 16-38 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 22-25 stand rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements.

Claim Rejections - 35 U.S.C. § 101

Claims 22-25 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory matter.

Notice – 35 U.S.C. § 112, sixth paragraph

Applicants have been given notice regarding claims 16-38 regarding demonstrating an intention or not to invoke 35 U.S.C. § 112, sixth paragraph.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kramer, "Knowledge-based Configuration of Computer Systems Using Hierarchical Partial Choice," IEEE Third International Conference on Tools for Artificial Intelligence, pp. 368-375 (November 1991) (referred to as *Kramer*). The rejection is respectfully traversed.

Claim Rejections - 35 U.S.C. § 103

Claims 17, 18, 24, 25, 28-29 and 38 stand rejected under 35 U.S.C. §103(1) as being unpatentable over Kramer, in view of common knowledge regarding product configuration.

Applicants respectfully submit that the above claim rejections and notice are moot in view of the cancellation of claims 16-38.

Claim 39 recites in part, a "method of satisfying a resource request in a computer system for configuring systems <u>using a resource comprising a combination of resources</u>." The method of claim 39 further includes "examining the configuration instance for an element offering a resource in response to a request for the resource, wherein <u>the resource</u> offered by at least one of the elements in the structural model hierarchy <u>represents a combination of multiple like resources</u>." (emphasis added). In another embodiment, claim 40 recites that "the combination of multiple like resources comprises pooled resources." Claim 41, which depends from claim 40 recites that "each element offering a resource that includes a pool of resources in response to a request for the resource is a structural superior in the structural model hierarchy to an element consuming the resource." (emphasis added).

Claim 50 recites an apparatus for configuring systems that includes "a configuration engine, stored in the memory and executable by the processor, to satisfy a resource request <u>using a resource comprising a combination of resources</u>." The "configuration engine includes code executable by the processor for:

> instantiating in the computer system a configuration instance; and
> (a) examining the configuration instance for an element offering a resource in
> > response to a request for the resource, wherein <u>the resource</u> offered by at

least one of the elements in the structural model hierarchy <u>represents a combination of multiple like resources</u>." (emphasis added).

Applicants respectfully submit that none of the references teach or suggest the invention of new claims 39-62.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 26, 2004.

[signature]   3-26-2004

Attorney for Applicant(s)   Date of Signature
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Respectfully submitted,

[signature]

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